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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,864	12/11/2003	Kevin Blair Frender	ORACL-01307US1	8087
80548	7590	10/27/2008		
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER PRICE, NATHAN E	
			ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			10/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,864	Applicant(s) FRENDER ET AL.	
	Examiner NATHAN PRICE	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,15,19,24,28,29,38,42,47,51,52,61 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-4,7-14,16-18,20-23,25-27,30-37,39-41,43-46,48-50,53-60,62-64 and 66-69.

DETAILED ACTION

1. This Office Action is in response to communications received 30 September 2008. Claims 1-69 are pending, of which, claims 2-4,7-14,16-18,20-23,25-27,30-37,39-41,43-46,48-50,53-60,62-64 and 66-69 have been withdrawn. Previous objections and rejections not included in this Office Action have been withdrawn.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 September 2008 has been entered.

Claim Objections

3. Claims 1,5,6,15,19,24,28,29,38,42,47,51,52,61 and 65 are objected to because of the following informalities:

There is insufficient antecedent basis for the limitations "the web service," "the protocol of the simplified message" and "the protocol for SOAP messages" in claims 1, 24 and 47.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1,5,6,15,19,24,28,29,38,42,47,51,52,61 and 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1, 5, 6, 15 and 19 appear to recite a mobile device comprising a memory and a processor. The additional elements appear to be the intended use of the mobile device, memory and processor. It is not clear if the intended uses recite limitations of the claims.

7. Claims 1, 19, 24, 42, 47 and 65 contain the trademark/trade name SOAP and/or XML. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade

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name is used to identify/describe formats that can change with new versions and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,5,6,15,19,24,28,29,38,42,47,51,52,61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (US 2002/0147850 A1; "Richards") in view of Jaworski and Glass (see PTO-892 mailed with this Office Action) and Kikinis (US 2002/0049833 A1).

10. As to claim 1, Richards teaches a mobile device (§ 40) comprising:

a memory to store application data, the application data being associated with an application (§ 19, 40, 42); and

a processor to run the application, the application containing presentation information, information for interpreting the stored application data, using the information in the application to produce a display including data from the stored application data, interacting with a server to update stored application data in the

background when a connection between the mobile device and server is available (§ 19, 40, 42).

11. Richards fails to specifically teach the application data being persistent when the application is not running, executing a runtime environment program and information for constructing messages to a server as claimed. However, Jaworski teaches the application data being persistent when the application is not running (p. 934 ¶1 – 2) and executing a runtime environment program (Fig. 1.1; p. 5 ¶2 – 3). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Richards teaches using Java (§40) and Jaworski teaches details of Java. Furthermore, Glass teaches information for constructing messages to a server (p. 18 WSDL ¶1). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are directed towards providing services and resources in distributed systems.

12. Richards fails to specifically teach simplified messages, converting messages and the content of the simplified messages as claimed. However, Kikinis teaches the runtime environment program sends simplified messages to the server (abstract; ¶ 76 – 77, 188). Kikinis also teaches the server converts the simplified messages to messages for the service and converts messages from the service into simplified messages for the mobile device wherein the protocol of the simplified messages is less complex than the

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protocol for the messages for the service (abstract; ¶ 76 – 77, 188). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both Richards and Kikinis are directed towards providing services and resources in distributed systems to devices such as hand-held computers and PDAs. Kikinis fails to specifically teach SOAP and web services. However, Glass teaches SOAP and web services (p. 7 ¶3), which teaches a format that can be used by Internet sources described by Kikinis (abstract).

13. Glass further teaches wherein each simplified message consists of a title and a single block of data in a markup language format (p. 5 ¶4 – p. 7 ¶1).

14. As to claim 5, Richards teaches the mobile device and the server use asynchronous messaging (abstract; ¶ 19, 42).

15. As to claim 6, Richards teaches messages are stored until a connection between the mobile device and server is available (abstract; ¶ 19, 42).

16. As to claim 15, Richards fails to specifically teach web services as claimed. However, Glass teaches the application receives data from web service (p. 5 ¶3 – p. 7 ¶1; p. 9 ¶1).

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17. As to claim 19, Glass teaches the XML field contains an XML fragment (p. 5 ¶4 – p. 7 ¶1).

18. As to claims 24, 28, 29, 38, 42, 47, 51, 52, 61 and 65, see the rejection of claims 1, 5, 6, 15 and 19.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

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